

East Greenwich Fire District

284 Main Street

East Greenwich, Rhode Island 02818

Telephone: 401-886-8686 or Fax: 401-886-8692

Date: February 28, 2013

1. The regular meeting of the East Greenwich Fire District was called to order on February 28, 2013, at 7:05 p.m., by Chairman Daly.

a. Chief Henrikson led the Pledge of Allegiance to the American Flag.

2. Members Present

- a. William Daly, Chairman**
- b. Stephen Bartlett, Vice Chairman**
- c. Mark W. Gee, Commissioner**
- d. Mark Schwager, Commissioner**
- e. Philip Higgins, Commissioner**

Other Members Present

- a. Peter Henrikson, Chief**
- b. Russell McGillivray, Deputy Chief**
- c. Kevin Hundley, Treasurer**
- d. Scott Spear, Legal Counsel**
- e. Janice J. Peixinho, Fire District Clerk**

Members Absent - none

3. Commissioner Daly determined a quorum on record.

4. Public Comment (inaudible taken from notes)

William Perry, President of the FF Local 3328 asked about a contract negotiation meeting that was cancelled on February 20, 2013. He was told by Legal Counsel Spear that the meeting was cancelled because the meeting was not properly posted. Mr. Perry stated that he had checked on-line with the Secretary of State filing and that the meeting was properly posted and that it had been posted either 7 to 10 days before the meeting. Mr. Spear stated that he had a conference call with the clerk and she stated she could not remember if she had posted the meeting so in the best interest of all Mr. Spear stated he cancelled the meeting. Chief Henrikson stated that he had called the Town Hall and was told it was not posted. Ms. Peixinho stated that Mr. Spear called her in the morning and asked about the meeting and was not clear on which meeting he was referring to so after she hung up the phone she immediately checked with the Secretary of State and e-mailed Mr. Spear stating that the meeting was posted with the Secretary of State and at Town Hall and stated in the voice mail that they could hold the meeting. Ms. Peixinho stated she then called the station and did not speak with the Chief but left a message on the Chief Tax Clerks voice mail. Mr. Spear stated he spoke with the

firefighters Representative and would pick 6 or 7 dates for future meetings for contract negotiations. Commissioner Daly stated it is not a question of not wanting to negotiate but getting all the parties together. No other discussion.

5. Correspondence

a. e-mail received from Councilor Isaacs regarding a Town Council Meeting 02/25/2013 to discuss new draft of the FD merger legislation.

b. e-mail received from William Sequino, Town Manager regarding meeting with Rep. Giarrussi and Senator Hodgson.

c. e-mail received from William Perry, President of Local 3328 requesting the Executive Session Minutes in regards to Collective Bargaining/Contract Negotiations.

All e-mails received were taken under advisement. No decision or discussion on e-mails.

6. Consent Agenda

Discuss/Consider or Act upon with Decision

a. Treasurer's Report (refer to report on file Year to Date: January 31, 2013)

Treasurer Hundley stated that the current year tax collections totaled \$2,248,000.00 through February 22nd, 2013. He said that there is approximately \$57,000.00 or 2.5% of first and second quarter taxes

still unpaid which is down from prior years.

Warwick payment has been paid in the amount of \$319,212.00. All other revenues are tracking as expected.

Commissioner Daly asked if the budget was on track and come in on budget. He asked the Treasurer what the projection was with five (5) months to go. The Treasurer stated it was difficult at this time because there is 6 months of funding and 7 months of expenses. Commissioner Daly stated he would like to see the extra funding for the OPEB account.

Analysis of Reserve Accounts:

Impact Fee Account	\$457,659.65
Capital Projects Account	\$986,577.23
Smokes Account	\$ 6,031.69
Rose Trust	\$237,895.81
OPEB Reserve	\$148,902.00

Commissioner Bartlett 1st moved to accept the Treasurer’s report as presented, Commissioner Higgins 2nd, Vote 5-0, Gee-yes, Bartlett – yes, Daly – yes, Higgins – yes and Schwager – yes, Unanimously Accepted, motion carried.

b. Chief’s Report (Refer to Chief’s report dated: February 22, 2013)

The Chief's report consisted of:

- **Manpower Readiness Levels (FF resigned to accept position in Cranston, Lt. working on light duty and FF out with an elbow injury)**
- **Safety Officer (purchased PPE)**
- **Planning Committee (no report)**
- **Capital Projects (no report)**
- **Incidents (Blizzard of February 9th, there were 52 incidents, mostly service related, Also, two (2) pedestrians were struck on Main Street on February 19th).**
- **Apparatus (Engine 1(one) at Minuteman for repair of electrical issues, 4 rear tires were replaced, Engine 2 (two) 2 front tires replaced. Also, front end alignment done and electrical issues repaired. The bucket truck had a fuel problem repaired and Rescue 1 (one) had tires replaced).**
- **Training (new recruits started February 19th with other departments)**
- **Dive Team (no report)**
- **EMS (Rescue 3 (three) in service.**
- **Health & Wellness (no report)**
- **General (generators at both stations have been maintained after the storm)**
- **Personnel-related Matters (no report)**
- **Overtime Report (report attached)**

The Chief stated it could take several months before the District would know the reimbursement amount from the government from

the Blizzard. No other discussion.

Commissioner Bartlett 1st, moved to accept the Chief's report as presented, Commissioner Schwager 2nd, Vote 5-0, Gee-yes, Bartlett – yes, Daly – yes, Higgins – yes and Schwager – yes, Unanimously Accepted, motion carried.

7. New Business

a. Discuss and Vote upon what action, if any, regarding the draft of the FD merger legislation being presented at the Town Council meeting 02/25/2013

The Commissioner spoke about the proposed act authorizing the Town of EG to acquire the property, assets and personnel of the EG Fire District. The Commissioners had concerns about a closing date or effective date. Also, there was still no reference of the word “non” before the word referendum. Commissioner Daly stated that Section 4 references the action of the Town of EG in acquiring the EGFD is done so in accordance with a referendum approved by the qualified voters of the Town but does not state “non-binding referendum”. In addition, the Town is proposing an Ordinance for an Advisory Board for the EGFD. The board shall consist of five members to be appointed by the Town Council, such five members to be the FD Commissioners in office on the date that legislation was enacted by the GA merging the independent FD into the Town. Appointments

shall be for a one-year term. Members of said FDAB shall serve without pay. After the one-year terms of the initially appointed FDAB members expire, the FDAB shall cease to exist unless re-established by the TC. The duties of the board shall be to advise the TC and TM on issues such as the FD budget, capital expenditures and other matters concerning the operations of the FD. No other discussion.

b. Discuss and Vote upon what action, if any, regarding disability pension benefits.

Legal Counsel Spear stated that he has sent a letter to the State Pension Board but has received no response. Tabled until next meeting.

c. Discuss and Vote upon what action, if any, regarding the land acquisition (corner of Cedar Avenue and Post Road), for the new fire station.

The Chief presented to the Board the "Purchase and Sales Agreement" from the State of Rhode Island for the purchase of the certain parcel of land bounded by Post Road, Cedar Avenue and Overfield Road containing 97,896 square feet or 2.247 acres, more or less more particularly described as Condemnation Plat 650 Parcels 4 and 5, in the Town of East Greenwich. The amount is \$360,000.00 being sold "as is" by quitclaim deed and the closing shall occur on or before June 30, 2013.

Commissioner Higgins 1st moved to accept the purchase and sales agreement as presented with the change of date instead of 06/30/2013 to July, 2013 for the terms and conditions as stated for the amount of \$360,000.00 with the option of being able to “opt out” anytime, Commissioner Bartlett 2nd, Vote 5-0, Gee-yes, Bartlett – yes, Daly – yes, Higgins – yes and Schwager – yes, Unanimously Accepted, motion carried.

d. Discuss and Vote upon what action, if any, regarding the Resolution by the BOFC to amend “ Section 8 Resolution” entitled Development Impact Fees.

Commissioner Gee 1st, moved to approve the Resolution to amend “Section 8” of the Resolution entitled Development Impact Fees and to add the following exemption for “Low or moderate income housing units built or operated by any public agency or any non-profit organization or by any limited equity housing cooperative or any private developer that is subsidized by a federal, state or municipal government subsidy under any program to assist the construction or rehabilitation of housing affordable to low and moderate income households, Commissioner Bartlett 2nd, Vote 5-0, Gee-yes, Bartlett – yes, Daly – yes, Higgins – yes and Schwager – yes, Unanimously Accepted, motion carried.

e. Approval of RE & PP abatements as recommended by the Town

Assessor in amount of \$842.10 as per list attached.

Commissioner Bartlett 1st moved to approve the abatements for real estate and personal property as presented by the clerk, Commissioner Gee 2nd, Vote 5-0, Gee-yes, Bartlett – yes, Daly – yes, Higgins – yes and Schwager – yes, Unanimously Accepted, motion carried.

f. Discuss and Vote upon what action, if any, regarding the budget timeline, budget process, budget committee members.

8. Old Business:

Commissioners reviewed the dates for the f/y 2013-2014 budget timeline and changed the pre-budget dates to be May 2nd and May 16th and both meetings to begin at 6:30. Also, the May 16th, date would replace the regular meeting of May 23rd, and that Clerk Peixinho would cancel that meeting date. Also, the budget committee would consist of Commissioner Daly, Chief Henrikson and Treasurer Hundley. No other discussion.

a. Discuss and Vote upon what action, if any, regarding Dispatch Equipment from Warwick.

The Chief stated that the equipment belonging to the Fire District has continued to be removed daily. The microwave would be the last

piece of equipment due to weather permitting. No other discussion.

b. Discuss and Vote upon what action if any, regarding Dispatch between Town of EG and EGFD.

The Chief stated that the Town Manager held a meeting regarding the dispatch between the Town of EG and the Fire District. Chief Henrikson stated that it was a great discussion and that they would be meeting again. The meeting consisted of; Manager, Fire Chief, Police Chief and IT personnel. No other discussion.

c. Discuss and Vote upon what action, if any, regarding strategic planning.

Commissioner Daly stated that with the merger/acquisition it would not make sense to do long term planning. Commissioner Schwager asked about time table, planning for the board, capital improvements and code of ethics. Commissioner Daly said that he was not sure if the Board Members wanted to “spin their wheels” at this time. No other discussion.

d. Discuss and Vote upon what action, if any, regarding proposed By-Laws.

Commissioner Daly stated that the sub-committee to review the By-Laws consisted of Commissioner’s Gee and Higgins.

Commissioner Daly would like to know what would be proposed for the annual meeting. Commissioner Higgins said that the proposal of a, b, c or any combination. He stated that the best one was “his idea” and he read the proposal for the record. Commissioner Bartlett asked if the Legislature is approved would the change take effect next year. Commissioner Daly stated “yes”. Commissioner Gee stated that there were other problems to consider being election of a candidate, getting signatures or not getting signatures to be place on the ballot, promoting themselves to the taxpayer and running for the office. Commissioner Daly stated that the By-Laws could be addressed by the voters at the June annual meeting.

Commissioner Higgins entertained a motion for proposal number 2.

Commissioner Higgins 1st, moved to adopt the modification of the FD By-Laws Section 16 to add; a) Any person who has an interest in serving as a FC must apply through the Nominating Committee, b) Only those people who have applied through the Nominating Committee may be nominated from the floor, Commissioner Bartlett 2nd, Vote 4-1, Gee-abstained, Bartlett – yes, Daly – yes, Higgins – yes and Schwager – yes, motion carried.

9. Minutes of the previous meetings

a. Approve January 24, 2012

b. Approve February 4, 2013 joint meeting FD/TC

Commissioner Bartlett 1st moved to accept the minutes of January 24, 2013 as presented, Commissioner Schwager 2nd, Vote 5-0, Gee-yes, Bartlett – yes, Daly – yes, Higgins – yes and Schwager – yes, Unanimously Accepted, motion carried.

Commissioner Bartlett 1st moved to accept the minutes of February 4, 2013 joint meeting FD/TC as presented, Commissioner Gee 2nd, Vote 5-0, Gee-yes, Bartlett – yes, Daly – yes, Higgins – yes and Schwager – yes, Unanimously Accepted, motion carried.

10. Public Comment

Elizabeth Smith – 2597 Division Street, East Greenwich, RI

Ms. Smith asked why the Commissioners would be discussing the Chief contract when the contract still has 16 months left. Commissioner Daly stated that it was to be discussed in executive session and that it is an agenda item and nothing is proposed. Any changes would come before the board.

Robert Vespia – Shippeetown Road, EG, RI

Mr. Vespia asked why the Chief's vehicle is not being identified as a Chief's vehicle when the Chief responds to calls. He stated that the Chief's vehicle should be lettered and have "flashing lights" with a siren, so that when he responds to calls the public would know it is

an emergency vehicle. He stated that this is a request for safety reasons.

11. Executive Session

Commissioner Daly entertained a motions to convene into Executive Session in accordance with RIGL §42-46-4 and §42-46-5(a)(1)(2) to discuss the following:

- a. Discuss/Consider or Act upon with decision on the Chief's employment contract. Clerk stated for the record that the Chief was properly notified and asked if he wanted the discussion in open or closed session and the Chief stated "closed".
- b. Discuss/Consider or Act upon with decision on the update of Contract Negotiations with Local 3328.
- c. Discuss/Consider or Act upon with decision on the MOU for part-time clerk.

Commissioner Daly 1st, and Commissioner Gee 2nd, Vote 5-0 - Gee-yes, Bartlett – yes, Daly – yes, Higgins – yes and Schwager – yes, Unanimously Accepted, motion carried.

Commissioner Daly reconvened the Members of the Board into open session and to keep the minutes sealed regarding the Chief's contract, contract negotiations with Local 3328 and MOU for the part-time clerk, Commissioner Bartlett 1st, Commissioner Gee 2nd, Vote 5-0, Gee-yes, Bartlett – yes, Daly – yes, Higgins – yes and

Schwager – yes, Unanimously Accepted, motion carried.

Roll Call: Gee, Bartlett, Daly, Higgins and Schwager.

Also Present: Legal Counsel Spear, Chief Henrikson, Deputy Chief McGillivray and Clerk Peixinho.

12. Adjournment

Commissioner Gee 1st moved to adjourn the meeting at 8:58p.m., Commissioner Bartlett 2nd, Vote Gee-yes, Bartlett – yes, Daly – yes, Higgins – yes and Schwager – yes, Unanimously Accepted, motion carried.

Attest:

A true copy;

Respectfully submitted;

Janice J. Peixinho

Janice J. Peixinho

EG Fire District Clerk